IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

M/s. Rushabh Precision Bearing Ltd. & Anr.	Versus	State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1111/2004

and

M/s. Rushabh Precision Bearing Ltd. & Anr.	Versus	State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No.93/2005

Date of Order: August 03, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. B.C. Parakh, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. L.D. Khatri, for the non-petitioner No.2.

BY THE COURT:

By the criminal miscellaneous petition No. 1111/2004 under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioners seek quashing of the criminal complaint case No. 1879/2003 pending in the Court of the Additional Chief Judicial Magistrate (Economic Offences), Jodhpur (for short, "the trial Court" hereinafter); and by the criminal miscellaneous petition No.93/2005 under Section 482 of the Code, the petitioners have challenged the orders dated 7.1.2005 and 10-1-2005 passed by the trial Court in Criminal

Complaint Case No. 1879/2003, whereby the trial Court did not give a long date for arguments on the application filed by the complainant/non-petitioner No.2 for altering the charge; however, the matter was adjourned from 7-1-2005 to 10-1-2005 for arguments and on 10-1-2005 also, the counsel for the petitioners sought further adjournment and the matter was adjourned to 21-1-2005.

In my view, both these orders cannot be said to be suffering from any error, illegality or perversity. It appears that reasonable time was granted and even after the impugned order dated 10-1-2005, further time was also granted to the petitioners. This shows that the adjournment at the request of the petitioners has been liberally granted by the trial Court. Hence these two impugned orders in Criminal Miscellaneous Petition No.93/2005 call for no interference.

So far as criminal miscellaneous petition No. 1111/2004 seeking quashing of the criminal complaint case No.1879/2003 as a whole is concerned, it appears that the complainant/non-petitioner No.2 has completed his evidence on 23.9.2004 and thereafter the petitioners filed applications one after the another and on being unsuccessful before the trial Court, the petitioners filed various petitions before this Court, being S.B. Criminal Miscellaneous Petitions No. 16/2001 decided on 14-9-2001; S.B. Criminal Revision No. 916/2004 decided on

6-1-2004; and criminal miscellaneous petitions No. 1083/2003 and 983/2002 decided on 27-4-2004.

On careful perusal of the material on record and the fact that the evidence has been recorded by the trial Court and indisputably the complainant has closed his evidence as back as on 23-9-2004 and the matter has been lingered on for one or another reason and it appears that the petitioners have been filing criminal miscellaneous and criminal revision petitions before this Court one after the another, though unsuccessfully, in my view, it is not a fit case to quash the criminal complaint. It is for the trial Court to appreciate the evidence and decide the matter finally. It cannot be said that non-interference would result in serious miscarriage of justice or abuse of process of the Court warranting interference in the inherent jurisdiction.

Both the criminal miscellaneous petitions are, therefore, dismissed. The stay petitions also stand dismissed. The trial Court is directed to expedite the decision in the criminal complaint case.

(H.R. PANWAR), J.

mcs